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SUBJECT: UNDER SECRETARY BURNS MEETS WITH HUMAN RIGHTS NGOS

1. (U) This cable is sensitive but unclassified. Please protect accordingly.

2. (U) July 26, 2005, 2:30-3:30 pm, Ambassador's Office, Bogota

3. (U) Participants:

U.S.

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R. Nicholas Burns, U/S for Political Affairs

Ambassador William B. Wood

Jeffrey DeLaurentis, Political Counselor

Cynthia Echeverria, P Special Assistant

Kiersten Stiansen, notetaker

Luis Guio, Interpreter

Colombia

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Ana Maria Convers, Restrepo Barco Foundation

Patricia Villaveces, Free Country Foundation ("Pais Libre")

Carlos Rodriguez, Colombian Commission of Jurists (CCJ)

Gloria Florez, MINHA

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Summary

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4. (SBU) Summary: On July 26, Under Secretary Burns met with representatives of four well-respected human rights organizations to discuss the current human rights and humanitarian situation in Colombia. He noted the importance of human rights organizations in Colombia and USG support for their work. All four groups expressed varying degrees of concern regarding continued human rights and international humanitarian law (IHL) violations by all actors, impunity, and the law of justice and peace. End Summary.

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U/S Burns Notes Importance of Human Rights  
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5. (SBU) During his July 26 meeting with representatives of four local human rights organizations, Under Secretary Burns said human rights is at the top of the US agenda in Colombia. The USG respects and supports the work of non-governmental organizations, and although we might not always agree on certain issues, it is important that all sides be listened to. He noted that the US is currently engaged in the certification process, a process taken very seriously, and the Secretary of State will personally make the decision on whether or not to certify the GOC's compliance. U/S Burns added that there is great interest in the US Congress in looking at prominent human rights cases involving either members of the military or paramilitaries.

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Law of Justice and Peace

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6. (SBU) Three of the four groups opposed the Justice and Peace Law. Carlos Rodriguez of the CCJ referred to the law as one of "impunity," stating that paramilitaries are not required to confess to their crimes, that there is no mechanism to find those who created, armed, or financed paramilitaries, and that the law provides little compensation for the victims. He also said that there is no mechanism to seize land and assets that had been held and gained by paramilitaries. Gloria Florez agreed that the law is weak and insisted paramilitary structures have not been dismantled. Paramilitaries continue to operate, and commit crimes against the civilian population, in important areas of the country including Cucuta (Norte de Santander Department), Medellin, Cali, Monteria (Cordoba Department), the Atlantic Coast and in several neighborhoods of Bogota (Ciudad de Bolivar, Soacha). In Cucuta, there have also been instances of paramilitary infiltration in local government offices and in the Prosecutor General's Office ("Fiscalia"). Florez said paramilitaries have also consolidated their power throughout

Putumayo, despite increased military presence.

17. (SBU) In response to U/S Burns' question on implementation of the law, Ana Maria Convers said the Restrepo Barco Foundation, which is largely funded by the business sector, supports the law and believes if implemented aggressively that it could have good results. She added that international support would be needed and that it was important to remember the law would also cover guerrilla groups should they decide to enter into negotiations with the government. Patricia Villaveces, however, noted that the GOC needs to dedicate more resources to the process to make it effective. She agreed with her colleagues that even though paramilitary crimes have diminished, the paramilitary structures remain in place.

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Other Human Rights Concerns  
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18. (SBU) Villaveces discussed the kidnapping situation in Colombia, noting that the number of kidnappings has declined over the past two years, most likely as a result of an increased government presence throughout the national territory. However, Pais Libre has seen an increase in the rate of extortion and is currently conducting a study on the topic in Cundinamarca Department with support from Denmark. In response to U/S Burns' question on kidnapping victims, Villaveces said there are currently 3,200 individuals being held in Colombia, some for as long as 5-6 years, although it is likely only 700 remain alive with the rest considered "disappeared." She noted the organization's fear that the population will become accustomed to kidnapping and extortion and will accept it as a fact of life. Villaveces added that Pais Libre is concerned that the judicial system will not be able to effectively prosecute those kidnappers who are caught, as families will fear participating in an oral trial. She told U/S Burns that she agrees with the US position not to negotiate with terrorists, but believes the GOC needs to analyze ways to find a solution which would also assist victims and their families.

19. (SBU) Convers noted the Restrepo Barco Foundation believes the democratic security policy is working in Colombia and has resulted in a reduction of various violence indicators. The GOC has increased its attention to internally displaced persons (IDPs) and has improved its work in education and healthcare, although more remains to be done. She added that IDPs primarily receive emergency assistance for the first three months of displacement, but also need long-term assistance for education, health care, income generating projects and other services. Convers said many of the problems faced by IDPs are the same as those faced by demobilized individuals, such as limited access to education and healthcare.

110. (SBU) Rodriguez disagreed with this view, stating that the GOC provides five times more assistance to demobilized individuals than to IDPs. He said President Uribe's democratic security policy has not worked in Colombia and human rights workers, trade unionists and other groups feel more insecure throughout the country (noting President Uribe's September 2003 speech where he referred to some NGO groups as working with terrorists). Rodriguez said that US military aid to Colombia has worsened the situation of the internally displaced, and that the State Department should pay more attention to the information the NGOs provide with regard to certification. U/S Burns refuted Rodriguez' claim that our aid contributed to displaced persons, noting that our aid was conditional and we had to certify every year. U/S Burns assured him that the US does rely on reports from local, US and international human rights groups on the human rights situation when deciding on certification.

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Balance of Peace and Justice  
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111. (SBU) U/S Burns closed by reiterating the importance the USG places on human rights and noting that one of the greatest changes worldwide has been the rise of NGOs and the increasing influence they have. He said Colombia is dealing with a difficult question in trying to find a balance between peace and justice. Although the situation in Colombia is unique, other countries have faced this dilemma in the past. Bosnia and post World War II Germany had to face decisions on who would be punished for their involvement in atrocities and who would be granted leniency in order to find the necessary balance. U/S Burns added that the USG will closely follow the implementation of the law.

112. (U) U/S Burns has cleared this cable.  
DRUCKER